

Charter Commission Minutes
September 14, 2017
Police Station Community Room

Attending: Churchill, Fricke, Gage, Grabbe, Hanneke, Rhodes, Stein, Weiss (7:15pm); Mike Ward from Collins Center

Absent: Rueschemeyer

5:40 Called to order

Agenda:

1. Call to order, approve agenda, approve minutes
2. Public comment
3. Continue discussing edits for final Charter
4. Other planning: future meetings, final report, etc.
5. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
6. Adjourn

No public comments

Discussion of edits to final charter

Term limits: Hanneke's research shows mixed effects – so we should do what we want.

Stein feels goal of increasing turnover in office not supported by research.

Gage – Given mixed evidence, trust the voters rather than arbitrary limits – also 2-year terms risks empowering people too much who aren't elected.

Fricke was skeptical before and remains not interested.

Churchill – Effect of cabal running the town is a real thing in some communities, not to be lightly dismissed. Tuned in voters and active challenges would be the key. Agrees to not change.

Two-year terms:

Still broad support in Commission – after discussion at 5-6 meetings and feedback on preliminary draft – accountability is worthwhile benefit. Very common in Massachusetts.

Rhodes talked with the Town Manager about his experience in Somerville with 2-year terms –not mass turnover or erosion of institutional experience in his experience. The Town Manager will address the Commission next week [Monday] – we can hear more.

Steve Schreiber will also give input on size of ZBA and Planning Board next Monday. Also, we will consider written input from Director of Planning on Monday.

"City" or "Town": We'll be a city in state law form, but using title city known as the "Town of Amherst". About 20 communities in Massachusetts use this designation (Ward)

Org Chart has been revised to accurately represent department heads

Referendum powers in charter? Already included in combination of initiative and veto.

Language on posting Council minutes: No need to specify timeline for posting Town Council minutes because state law governs. Wouldn't hurt to simply repeat state law unless it's asking for a lawsuit for no reason.

Stein would like to add specifics since people are concerned about timely records coming out of Council.

Ward says few or no charters address posting of minutes. Put in the Charter "Town Council shall provide for a schedule regarding adoption and posting of minutes" 2-6 D.4.?

Agreed.

Powers of Select Board and Town Meeting during transition period:

What if Select Board/Town Meeting wants to join a power purchasing agreement during transition? Section 10-7B limits Select Board/Town Meeting/Town Manager actions to "essential and necessary" to current operations of the Town and not contrary to purpose of adopted Charter. Seems better than alternative of granting Select Board broad discretion with no recourse to challenge.

Hanneke moves to remove the **Preamble**. Does not have a legal function – purely decorative/sentimental. Some of the wording privileges groups mentioned and doesn't mention others. Rather take out than fight over language. eg. "values our elders" implies less value to unmentioned groups.

Rhodes skeptical.

Gage agrees with Hanneke. It's kind of corny and evokes Declaration of Independence in pompous way. Especially the first sentence.

Fricke, Grabbe and Churchill not moved to argue for the Preamble.

Rhodes liked it though it isn't perfect. Agree to remove.

Is Town Council taking over Sewer Commission, Water Commission and Control and Regulation of the Public Ways from Select Board? They'll approve the water/sewer rates – possibly state law defaults these powers to Town Council without charter specificity.

Ward can't find any charters that have language specifying these roles. Ward suspects that default to Council will be the answer, but he'll consult with Tanya and bring us transition language next week. Would be weird to leave out entirely – water rates are pretty important.

2.7 District Meeting language

The Charter will state "convene a minimum of 2 meetings in their districts each year" – making it clear that non-district residents may attend each councilor's meeting. Clarify that purpose of meeting is to facilitate 2-way communication between Town government and residents of district.

3.2.a – Should Town Manager's (TMgr) supervision include Multiple-Member Bodies (MMB)?

Churchill/Stein – supervision is a manager-employee relationship – not volunteer committees/commissions. Agree to not have Manager "supervise" committees.

Should Town Agencies include MMB? Departments and volunteer boards are pretty different things. We addressed this last week at Churchill's request. Ward thinks most charters use the broad format. We should have a good read through and look for any problematic uses of "agency"

3-4 Can TMgr discipline MMB? Not clear what "discipline" would be in this context – but suspension/removal is a clear power here. 9.12 makes removal for non-attendance very clear.

Ward – Many charters limit removal/suspension to 9.12 so that TMgr doesn't have discretion to remove someone who just doesn't agree with his policy. Delete "multiple member bodies appointed by the Town Manager" from the list of TMgr's supervised bodies. Better to take risk of appointing someone disruptive than giving TMgr too much power. Agreed.

Add 4.2.e and 4.3.d– Require period of public comment at all regular meetings of School Committee/Library Trustees – mirrors Council language. Agreed

[Weiss joins meeting 7:15]

Add to 6.1. a summary of reasons or purposes for proposed changes to explanatory memorandum. Agreed.

Accepting non-substantive edits to draft and corrections of dates in transitions provisions. Reordering of provisions in section 9.

Section 9-14 – Should process be the same for employment vacancies and MMB vacancies?

Churchill – Seems like this is just employment. Gage/Stein – no, this works for both.

Hanneke – We could clearly separate employment provisions from how we find and appoint volunteers. Move employment provisions to section 6-2.b. Move MMB provisions into 9-11.e: vacancies for MMB will be publicly posted.

Fricke – Do charters usually specify such detail in hiring practices?

Churchill/Ward – Important check on cronyism. Agreed.

More reordering of Section 9 provisions for clarity.

Saving election date discussion for Monday so Rueschemeyer can participate.

Definitions of Agency and Officer:

Hanneke – are library and elementary school town agencies? Library Director and Superintendent = Town Officers?

Ward will talk it over with Collins Center. 2.8.d provisions for investigation by Town Council would be affected by the answer/interpretation. If we want the Council to be able to investigate agencies, we would need to clarify in 2.8 the process for requesting information.

Churchill – shouldn't School Committee be doing any investigating of the schools, and Library Trustees of the libraries? Maybe we want the Council at arms-length from jurisdiction of School Committee/Library Trustees.

Hanneke – TMgr wouldn't be the source of information about their purviews. Does Council have jurisdiction over schools/library because Council is ultimate budgeting authority?

Rhodes – There are definitely times when Council should be able to request information directly from Superintendent/Library Directors.

Churchill: The Council should have ability to “request information” from schools and library via Superintendent and Library Director, but not to “investigate” schools or libraries; their boards should be doing that. Ward will bring language suggestions next week.

Adjourn 8:45

Respectfully submitted,
Tom Fricke

Documents:

September 11th Amherst Preliminary Charter draft